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HOUSE OF REPRESENTATIVES

REPORT
99-478

PROTECTING BIOLOGICAL DIVERSITY IN DEVELOPING COUNTRIES

FEBRUARY 26, 1986.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. YATRON, from the Committee on Foreign Affairs, submitted the following

REPORT

[To accompany H.R. 2958]

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The Committee on Foreign Affairs to whom was referred the bill (H.R. 2958) to amend the Foreign Assistance Act of 1961 to protect biological diversity in developing countries, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment strikes out all after the enacting clause of the bill and inserts a new text which appears in italic type in the reported bill.

COMMITTEE ACTION

H.R. 2958 was introduced by Mr. Yatron of Pennsylvania on July 10, 1985, and referred to the Committee on Foreign Affairs. The bill was subsequently referred to the Subcommittee on Human Rights and International Organizations.

On October 3, 1985, the subcommittee met in open markup session to consider H.R. 2958. The subcommittee favorably reported the bill by voice vote after agreeing to a substitute amendment offered by Subcommittee Chairman Gus Yatron.

The Committee on Foreign Affairs met in open markup session on December 11, 1985, to consider H.R. 2958. A substitute amendment offered by Mr. Yatron was approved, and the committee, by voice vote, ordered the bill favorably reported, as amended.

PURPOSE

H.R. 2958 as ordered reported (hereafter referred to as H.R. 2958) amends section 119 of the Foreign Assistance Act of 1961, as

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amended (the Foreign Assistance Act), to expand the authorization for protection of biological diversity in developing countries and to earmark not less than $10 million each fiscal year for that purpose.

BACKGROUND

Existing section 119 was added to the Foreign Assistance Act in 1983 to declare that the preservation of animal and plant species should be an important objective of the U.S. development assistance program. The section authorizes the President to provide assistance to developing countries to help them protect and maintain sound wildlife habitats and wildlife management programs and directs the Administrator of the Agency for International Development (AID), in conjunction with the State Department and other appropriate U.S. Government agencies, to develop a strategy for the protection and preservation of biological diversity in developing countries.

The Subcommittee on Human Rights and International Organizations conducted extensive oversight hearings on U.S. policy regarding biological diversity and concluded that greater effort is required to fulfill the mandate of section 119.

JUSTIFICATION

Representatives from the World Resources Institute, the Natural Resources Defense Council, the World Wildlife Fund, the International Institute for Environment and Development, and other concerned organizations, testified before the Subcommittee on Human Rights and International Organizations on the critical importance of maintaining biological diversity. According to their testimony, scientists have estimated that by the year 2000, as many as 2 million distinct life forms may be lost forever, mainly as a result of habitat loss, caused in large part by development activities and by overexploitation of plant and animal life. Preservation of biological diversity is fundamental to the capability of people in developing countries to meet their requirements for food and other basic needs.

In addition, the United States and other industrialized countries are becoming increasingly dependent on diverse species, many located primarily in developing countries, for new medicines, food, and a host of critical industrial products.

It was noted that many activities with U.S. Government agencies have an impact on biological diversity, but that the overall effort is still very small. Little has been done directly to help developing countries to establish wildlife sanctuaries, to identify and catalog animal and plant species, and to enforce antipoaching measures. While claiming that it has identified 253 projects or project components which are associated in some way with biological diversity, AID officials only enumerated five projects devoted exclusively to the objectives of section 119 of the Foreign Assistance Act. These five projects were all initiated before the enactment of section 119.

Many shortcomings were noted in the report on the U.S. strategy on the conservation of biological diversity which was prepared pursuant to section 119. The strategy was characterized as a "shopping list" of options which did not establish priorities, specify a plan of

action, or set timetables for programs to address issues of protection of biological diversity in developing countries.

SECTION-BY-SECTION ANALYSIS

H.R. 2958 amends section 119 of the Foreign Assistance Act to delete existing subsections 119 (c) and (d) and to add new subsections (c) through (h).

New section 119(c) requires that in each fiscal year beginning in fiscal year 1987 not less than $10 million of the funds available to carry out chapter 1 of part I of the Foreign Assistance Act (economic development assistance), be earmarked for activities to promote biological diversity which were not funded prior to fiscal year 1987. The committee reaffirms its view that protection and maintenance of wildlife habitats and development of sound wildlife management and plant conservation programs should receive priority in the protection of biological diversity. It emphasizes that to the maximum extent possible funds expended pursuant to this section should be spent for field activities. Consideration should be given to the creation of an advisory panel to review government-to-government, regional, and private voluntary organization proposals for activities under this section.

New section 119(d) requires that AID country development strategy statements or other country plans include analysis of actions necessary in that country to preserve biological diversity. These assessments can serve as a basis for establishing priorities for the allocation of AID funds and help to stimulate action by other organizations. The committee urges the Administrator to utilize the expertise of such nongovernmental organizations as the International Union for the Conservation of Nature, the World Wildlife Fund, and the Nature Conservancy.

New section 119(e) calls for consultation with and involvement of local people whenever possible in carrying out activities under this section.

New section 119(f) earmarks $3 million beginning in fiscal year 1987 for assistance under this section through private and voluntary organizations and international, regional, or national nongovernmental organizations and declares that, wherever feasible, such organizations shall be used to manage projects under this section.

New section 119(c) requires a number of actions of the AID Administrator:

(1) cooperation with appropriate governmental and nongovernmental international organizations;

(2) use of the World Conservation Strategy as an overall guide;

(3) undertaking dialogs and information exchange with recipient countries to help them assess the need to preserve biological diversity;

(4) support for appropriate education and training activities;

(5) encouragement of long-term agreements promoting protection of ecosystems and wildlife habitats in return for U.S. assistance to establish and maintain such protected areas;

(6) support for efforts to identify and survey ecosystems in recipient countries;

(7) cooperation with the relevant activities of other U.S. Government agencies;

(8) review of AID's environmental regulations and revision as necessary and a report to Congress on such actions;

(9) ensuring that AID environmental profiles include information needed for conservation of biological diversity; and

(10) denial of any direct or indirect assistance under this chapter for actions which significantly degrade national parks or similar protected areas or introduce exotic plants or animals into such areas. (This provision is not intended to prohibit the temporary introduction of domesticated animals for use by park personnel, such as riding horses, or temporary emergency use of exotic plants for purposes consistent with the maintenance of the area, such as stabilizing soils because of landslide danger. The areas which are to be covered by this provision are those listed in the latest edition of the U.N. List of National Parks and Equivalent Reserves published by the International Union for Conservation of Nature.)

New section 119(h) requires that the annual report required by section 364(a) of the Foreign Assistance Act include a separate volume on the implementation of this section.

Required Reports Section

COST ESTIMATE

H.R. 2958 requires that the Agency for International Development obligate not less than $10 million each fiscal year for protection of biological diversity in developing countries from the total funding made available to carry out chapter 1 of part I of the Foreign Assistance Act (development assistance). This earmark does not increase total funding available for these programs, but calls for a reordering of priorities within the Agency in order to meet the new mandate.

INFLATIONARY IMPACT STATEMENT

In view of the fact that H.R. 2958 provides no new funding authorization, there is no inflationary impact.

STATEMENTS REQUIRED BY CLAUSE 2(l)(3) OF HOUSE RULE XI

(a) Oversight findings and recommendations

Among the principal oversight activities which contributed to the committee's formulation of H.R. 2958 are the following:

Hearings conducted by the Subcommittee on Human Rights and International Organizations on international environmental policy, June 14 and September 12, 1984; and on biological diversity, June 6, 1985;

Ongoing consultation between committee members and staff and executive branch officials concerning implementation of existing international environmental policies and programs; and

Review of the programs and activities of international and private environmental organizations.

As a result of these oversight activities, the committee recommends that H.R. 2958 be approved by the full House.

(b) Budget authority

The enactment of H.R. 2958 will create no new budget, spending, or credit authority.

(c) Committee on Government Operations summary

No oversight findings and recommendations which relate to this measure have been received from the Committee on Government Operations under clause 4(c)(2) of House rule X.

(d) Congressional Budget Office cost estimate

No cost estimate has been received from the Congressional Budget Office for this legislation.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 119 OF THE FOREIGN ASSISTANCE ACT OF 1961

SEC. 119. ENDANGERED SPECIES.—(a) The Congress finds the survival of many animal and plant species is endangered by overhunting, by the presence of toxic chemicals in water, air and soil, and by the destruction of habitats. The Congress further finds that the extinction of animal and plant species is an irreparable loss with potentially serious environmental and economic consequences for developing and developed countries alike. Accordingly, the preservation of animal and plant species through the regulation of the hunting and trade in endangered species, through limitations on the pollution of natural ecosystems, and through the protection of wildlife habitats should be an important objective of the United States development assistance.

(b) In order to preserve biological diversity, the President is authorized to furnish assistance under this part to assist countries in protecting and maintaining wildlife habitats and in developing sound wildlife management and plant conservation programs. Special efforts should be made to establish and maintain wildlife sanctuaries, reserves, and parks; to enact and enforce anti-poaching measures; and to identify, study, and catalog animal and plant species, especially in tropical environments.

[(c) The Administrator of the Agency for International Development, in conjunction with the Secretary of State, the Secretary of the Interior, the Administrator of the Environmental Protection Agency, the Chairman of the Council on Environmental Quality, and the heads of other appropriate Government agencies, shall develop a United States strategy, including specific policies and programs, to protect and conserve biological diversity in developing countries.

[(d) Each annual report required by section 634(a) of this Act shall include, in a separate volume, a report on the implementation of this subsection. Not later than one year after the date of enactment of this section, the President shall submit a comprehensive report to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate on the United States strategy to protect and conserve biological diversity in developing countries.]

(c) FUNDING LEVELS.—For each fiscal year beginning with fiscal year 1987, not less than $10,000,000 of the funds available to carry out this part (excluding funds made available to carry out section 104(c)(2), relating to the Child Survival Fund) shall be allocated for assistance pursuant to subsection (b) for activities which were not funded prior to fiscal year 1987. In addition, the Agency for International Development shall, to the fullest extent possible, continue and increase assistance pursuant to subsection (b) for activities for which assistance was provided in fiscal years prior to fiscal year 1987.

(d) COUNTRY ANALYSIS REQUIREMENTS.—Each country development strategy statement or other country plan prepared by the Agency for International Development shall include an analysis of—

(1) the actions necessary in that country to conserve biological diversity, and

(2) the extent to which the actions proposed for support by the Agency meet the needs thus indentified.

(e) LOCAL INVOLVEMENT.—To the fullest extent possible, projects supported under this section shall include close consultation with an involvement of local people at all stages of design and implementation.

(f) PVOs AND OTHER NONGOVERNMENTAL ORGANIZATIONS.—Whenever feasibile, the objectives of this section shall be accomplished through projects managed by appropriate private and voluntary organizations or international, regional, or national nongovernmental organizations which are active in the region or country where the project is located. For each fiscal year beginning with fiscal year 1987, the Agency for International Development shall allocate not less than $3,000,000 of the funds made available for assistance pursuant to subseciton (b) for protects managed by such organizations.

(g) ACTIONS BY AID.—The Administrator of the Agency for International Development shall—

(1) cooperate with appropriate international organizations, both governmental and nongovernmental;

(2) look to the World Conservation Strategy as an overall guide for actions to conserve biological diversity;

(3) engage in dialogues and exchanges of information with recipient countries which stress the importance of conserving biological diversity for the long-term economic benefit of those countries and which identify and focus on policies of those countries and which directly or indirectly contribute to loss of biological diversity;

(4) support training and education efforts which improve the capacity of recipient countries to prevent loss of biological diversity;

(5) whenever possible, enter into long-term agreements in which the recipient country agrees to protect ecosytems or other wildlife habitats recommended for protection by relevant governmental or nongovernmental organizations or as a result of activities undertaken pursuant to paragraph (6), and the United States agrees to provide additional assistance necessary for the establishment and maintenance of such protected areas;

(6) support, as necessary and in cooperation with the appropriate governmental and nongovernmental organizations, efforts to identify and survey ecosystems in recipient countries worthy of protection;

(7) cooperate with and support the relevant efforts of other agencies of the United States Government, including the United States Fish and Wildlife Service, the National Park Service, the Forest Service, and the Peace Corps;

(8) review the Agency's environmental regulations and revise them as necessary to ensure that ongoing and proposed actions by the Agency do not inadvertently endanger wildlife species or their critical habitats, harm protected areas, or have other adverse impacts on biological diversity (and shall report to the Congress within a year after the date of enactment of this paragraph on the actions taken pursuant to this paragraph);

(9) ensure that environmental profiles sponsored by the Agency include information needed for conservation of biological diversity; and

(10) deny any direct or indirect assistance under this chapter for actions which significantly degrade national parks or similar protected areas or introduce exotic plants or animals into such areas.

(h) ANNUAL REPORTS.—Each annual report required by section 634(a) of this Act shall include, in a separate volume, a report on the implementation of this section.

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